

SENATOR JANSSEN: You are telling me then that every time a firefighter becomes disabled by...by any...a heart attack, severe arthritis, they are denied any early retirement then?

SENATOR WICKERSHAM: No. It says, the statute says shall suffer death or disability as a result of hypertension, heart or respiratory defect, or disease, there shall be a rebuttable presumption that such death or disability resulted from accident or other cause while in the line of duty for purposes of Chapter 15, et cetera. I think I only mentioned the respiratory disease but it also includes hypertension, heart, or respiratory defect or disease. There is already a rebuttable presumption that if those things occur, after the firefighter has had five years as a paid member of a fire department, that it was incurred within, I want to make sure we get the right words here, in the line of duty, and they would be eligible for either disability benefits or death benefits, unless the city that they worked for was able to prove otherwise. But at that point, the city has a fairly high burden to prove that it wasn't associated and that they are not entitled to the benefit.

SENATOR JANSSEN: So even if ..even if that...these...if this occurred from something other than the...than the man being an active fireman, they would still have to...

SENATOR WICKERSHAM: The city would...

SENATOR JANSSEN: ...the city would still have to say that...

SENATOR WICKERSHAM: They'd have the opportunity, but they would have to prove that. They'd actually have the burden of proving that.

SENATOR JANSSEN: So even if the man is not able, or woman is not able to come...to go to work and perform its duties, his or her duties as a firefighter, then they still have to prove that it was caused by the line of duty...

SPEAKER WITHEM: One minute.

SENATOR WICKERSHAM: If it's...if it's something other than hypertension, respiratory disease, heart attack, et cetera, if it's something other than that, yes.